

REMARKS

In the Office Action¹, the Examiner:

objected to the reply filed September 9, 2008 under 35 U.S.C. § 132(a)
and

rejected claims 1-4, 6, 7, 35-41, and 47 under 35 U.S.C. § 102(a) as
allegedly anticipated by U.S. Patent Publication No. 2002/0029161 to
Brodersen et al. ("Brodersen").

Claims 1-4, 6, 7, 35-41, and 47 remain pending and under examination. Claims
8-34 and 42-46 are withdrawn. No new matter is added by this amendment.

There appears to be some ambiguity in the Advisory Action as to whether or not
the Amendment After Final was entered by the Examiner. Inasmuch as the Examiner
wrote "OK to enter" on the front page of Applicant's reply, Applicant believes that the
amendments were entered. Accordingly, the status identifier for claim 6 is shown in this
reply as "previously presented."

The Advisory Action did not expressly state that the objection to the reply filed
September 9, 2008 had been withdrawn. Applicant assumes that since the Examiner
elected to enter the amendment and did not object to it that the objection has been
withdrawn. Applicant respectfully requests that the Examiner state on the record that
the objection is withdrawn.

The Advisory Action alleges that the amendments to claim 6 changed the scope
of the claims and therefore did not substantively respond to Applicant's remarks. The

¹The Office Action contains a number of statements reflecting characterizations of the related art and the
claims. Regardless of whether any such statement is identified herein, Applicant declines to
automatically subscribe to any statement or characterization in the Office Action.

Examiner has not, as of yet, responded substantively to the Applicant's remarks distinguishing the Brodersen reference. Applicant respectfully requests that the Examiner consider the remarks below and provide reasoning for any rejection in the next communication if the claims are not found allowable.

Applicant respectfully traverses the rejection of claims 1-4, 6, 7, 35-41, and 47 under 35 U.S.C. § 102(a) as anticipated by Brodersen.

In order to properly establish that Brodersen anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Brodersen does not anticipate the claims at least because it fails to teach, or even suggest, each and every element of the claims.

Independent claim 1 recites, among other elements, "determining a priority value for each of the projects by providing priority categories that identify the importance of the projects and receiving a selection of one of the priority categories from a user." Brodersen does not disclose or suggest at least this element of claim 1.

The Office Action alleges that Brodersen discloses "determining a priority value for each of the projects" in paragraphs [0042]-[0046], [0070], [0007], and [0121]. Office Action at page 4. But, this allegation is incorrect.

Brodersen discloses “[a]ssignment rules are used to match the tasks to the assets available to carry out those tasks, scoring the assets in proportion to their capability to carry out the tasks as determined by the assignment rules, applications of weights to the scores thus obtained, and ranking the assets according to the scores obtained.” Brodersen paragraph [0046]. Brodersen further states that an assignment manager can be used with a database to “allow assignment of employees or positions to hierarchical tasks, like accounts, to automatically assign the employee or position to all parent or child accounts (i.e. navigate the entire account hierarchy)[.]”

The Examiner appears to interpret the “ranking” of assets as corresponding to determining a “priority value for a project.” This interpretation is flawed, however, because an “asset” cannot constitute a “project.” Furthermore, the Examiner’s reference to a “hierarchical task” does not disclose a “priority value for a project” especially when read in light of the rest of the sentence which defines the hierarchy as “parent or child accounts.” A “parent or child” relationship cannot constitute the claimed “determining a priority value for a project” because there is nothing about a “parent and child” account that discloses or suggests that one is more of a priority than another.

Even if the Examiner maintains that the “ranking of assets” and “hierarchical” accounts can constitute “priority of a project,” there is still no disclosure in Brodersen that the words “ranking” and “hierarchical” can further constitute the claimed “providing priority categories that identify the importance of the projects and receiving a selection of one of the priority categories from a user.” Claim 1 is allowable because there is nothing in Brodersen that discloses or suggests “priority categories” much less that the “priority categories identify the importance of the projects” or that they are “select[ed by]

a user.” Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

In addition to the above reason, claim 1 is allowable because Brodersen does not disclose or suggest the claimed “allocating resources to each project based on the identified resources necessary across all of the projects based on the available resources and the priority value of the project.”

The Office Action alleges that Figures 1-6, and paragraphs [0042]-[0046], [0065], [0083], [0091], [0092], [0094], and [0100]-[0105] disclose “allocating resources. . . based on the available resources and the priority value of the project.” Office Action at pages 4-5. But, this allegation is not correct.

Brodersen discloses “[t]he assignment manager method and system of our invention matches resources, such as employees and employee skill sets, with needs. This is carried out in a “Rules Based” system within a resource constrained environment. Resources, such as employees, are matched with constraints, such as skill sets, employee product expertise, language skills, workload, and employee availability, among others” (emphasis added). Brodersen paragraph [0040]. Applicant points out, that even under the Examiner’s interpretation of “ranking” and “hierarchy” discussed above, there is no disclosure even here that the disclosed resources are “allocated” based on the claimed “priority.”

Claim 1 is allowable because nothing in Brodersen expressly discloses, or even suggests, the claimed “allocation of human resources . . . based on . . . the priority value of the project.” Since Brodersen cannot reasonably be said to disclose each and every

element of claim 1, Applicant respectfully requests the Examiner withdraw the rejection of claim 1 and allow the claim.

Since Brodersen does not disclose each and every element of claim 1, Applicant respectfully requests the Examiner withdraw the rejection of claim 1 and allow the claims. Claims 2-4, 6, and 7 are allowable at least due to their dependence on independent claim 1.

Independent claims 35, 41, and 47 although of different scope than claim 1, patentably distinguish the prior art for at least reasons similar to those discussed above with respect to claim 1 and are likewise allowable.

Applicant asserts dependent claims 36-40 are further allowable over the prior art at least due to their dependence from the independent claims discussed above. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of these dependent claims.

CONCLUSION


In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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